

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA
Plaintiff,

v.

Case No. 12-CR-88

MOHAMMAD UDDIN
Defendant.

ORDER

On June 28, 2013, I sentenced defendant Mohammad Uddin to 6 months on prison on his guilty plea to conspiracy to traffic contraband cigarettes, allowing voluntary surrender to the institution designated by the Bureau of Prisons. Defendant filed a notice of appeal, and his appellate counsel now requests an extension of defendant's August 8 report date so that counsel may obtain transcripts and review the case for potential appellate issues.

The government opposes the extension, arguing that defendant cannot make the necessary showing for release pending appeal under 18 U.S.C. § 3143(b). Under that provision, the court shall order that a defendant sentenced to a term of imprisonment be detained unless the court finds (A) by clear and convincing evidence that the defendant is not likely to flee or pose a danger; and (B) that the appeal is not for the purpose of delay and raises a substantial question of law or fact likely to result in (i) reversal, (ii) an order for a new trial, (iii) a sentence that does not include a term of imprisonment, or (iv) a reduced sentence to a term of imprisonment less than the total of the time already served plus the expected duration of the appeal process. The government concedes that defendant poses no danger or risk of flight but argues that there are no non-frivolous appellate issues. Given his unconditional guilty plea

and far-below guideline sentence, I tend to agree. However, defendant in reply explains that while he cannot at this time make the necessary showing under § 3143(b) the relief he seeks is more modest – an extension of the report date to August 26, 2013, the date his appellate brief is due.

Given the brief extension he requests, and the absence of prejudice to the government, I will grant the request. However, defendant will be required to surrender by the new date unless he can make the showing required by 18 U.S.C. § 3143(b).

THEREFORE, IT IS ORDERED that defendant's motion (R. 244) is **GRANTED**, and his surrender date is extended to **August 26, 2013**.

Dated at Milwaukee, Wisconsin, this 2nd day of August, 2013.

/s Lynn Adelman

LYNN ADELMAN
District Judge